

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 6/2026

Vishwanath Son Of Sohanlal, Resident Of Ward No. 41, Purani Tonk, District Tonk (Rajasthan).

----Appellant/Defendant

Versus

1. Manakchand Jain S/o Saubhagmal, R/o Mahavir Chowk, Purani Tonk, District Tonk (Rajasthan). (Deceased)
 - 1/1. Sushil Kumar
 - 1/2. Pradeep Kumar
 - 1/3. Arun Kumar
 - 1/4. Mamta
 - 1/5. Pratibha
 - 1/6. NeerajLegal Representatives Of Manakchand, Residents Of Mahavir Chowk, Purani Tonk, District Tonk (Rajasthan).

----Respondents/Plaintiffs

2. Premchand Gatti S/o Bhanwarlal, R/o 581 Rishi Galabh Nagar, Galta Gate, Jaipur (Raj.). Deceased)
 - 2/1. Padamchand Son of Premchand, Resident Of B-18, Galta Gate, Mohan Badi, Jaipur (Raj.)
 - 2/2. Manju Jain Daughter of Premchand Wife Of Prakashchand Jain Godha, Resident Of Plot No. 41, Shiv Vihar, Mangyawas Road, New Sanganer Road, Mansarovar Road, Jaipur (Raj.)

----Proforma Respondents/Defendants

For Appellant(s)	:	Mr. Giriraj Bardhar, Sr. Adv. assisted by Mr. Kapil Bhardhar, Adv. Mr. Suresh Bairwa, Adv. Mr. Ayush Sharma, Adv.
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HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

24/04/2026

1. This civil second appeal has been filed against the judgment and decree dated 19.11.2025 passed by learned Additional District

Judge Tonk (Raj.) (hereinafter referred to as learned 'Appellate Court') in Civil Appeal No. 15/2016, whereby, the learned Appellate Court has decreed the appeal against the appellant-defendant while reversing the findings passed in the judgment and decree dated 02.02.2016 passed by learned Civil Judge Tonk, District Tonk (Raj.) (hereinafter referred to as learned 'trial Court') in Civil Suit No. 91/2005, whereby, the suit filed by respondents-plaintiffs for cancellation of sale deed and permanent injunction was dismissed by the learned trial Court.

2. Learned counsel for the appellant submits that the appellant is in possession of the suit property and title is also in the name of the appellant, therefore, the effect and operation of the judgment and decree dated 19.11.2025 passed by learned Additional District Judge Tonk (Raj.) may be stayed.
3. The matter requires consideration.
4. Issue notice to the respondents of appeal as well as of stay application by both modes i.e. by ordinary process as well as by registered post, returnable within six weeks.
5. Requisites be filed within one week.
6. List the matter after six weeks.
7. In the meanwhile, record of the Court below be summoned.
8. Till the next date of hearing, the effect and operation of the judgment and decree dated 19.11.2025 passed by learned Additional District Judge Tonk (Raj.) in Civil Appeal No. 15/2016 shall remain stayed.

(ASHUTOSH KUMAR),J